

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

RAYMOND CAPELLA,

Plaintiff,

v.

Case No: 6:21-cv-1383-GKS-DCI

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) With Remand of the Cause to the Defendant (Doc. 24). Defendant's Motion specifies that

[u]pon remand, the Appeals Council will instruct a different Administrative Law Judge to offer the claimant an opportunity for a new hearing, proceed through the relevant steps of the sequential evaluation process, and issue a new decision.

(Doc. 24:1). The Court referred the Motion to the United States Magistrate Judge for a report and recommendation (Report and Recommendation).

On November 22, 2021, the United States Magistrate Judge issued a Report and Recommendation, (Doc. 25), recommending that Defendant's Motion be granted, the Commissioner's decision be reversed and remanded, and judgment be entered in favor of Plaintiff.

After review and consideration of the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 25) is **APPROVED and ADOPTED** and is made part of this Order for all purposes, including appellate review.
2. Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g), with Remand to the Defendant (Doc. 24), is **GRANTED**.
3. The Commissioner's final decision is **REVERSED**, and the action is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for the reason stated by the Commissioner.

4. The Clerk of Court is **DIRECTED** to enter Judgment in favor of Plaintiff, Raymond Capella, and against Defendant Commissioner, and **CLOSE** this case.

DONE AND ORDERED at Orlando, Florida, this 21 day of December, 2021.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Unrepresented Parties